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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,840

03/17/2004

Atsushi Fujita

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22852

7590

11/04/2005

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

FAULK, DEVONA E

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,840

Applicant(s)

FUJITA, ATSUSHI

Examiner

Devona E. Faulk

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, filed n2/17/2005, with respect to the rejection(s) of claim(s) 1-5 under 102 (b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yang.
2. Claim 5 is cancelled.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 6** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites "a recording section which uses the A/D converter to convert right and left audio signals amplified by the microphone amplifiers into digital signals and records the digital signals in a recording medium". The A/D converter converts the right and left audio signals into digital signals. The specification recites that the system control section 5 records data in a file in a recording medium (page 5, lines 21-23). It is not clear what element reads on the recording section.
5. **Claim 8** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites "wherein the detection section detects

whether or not the voltage of one of the terminal is equal to the ground voltage when power of the apparatus is turned on". The specification discloses on page 10, lines 11-24 that when the power is turned on that the system control section reads Vdet and compares it with a predetermined threshold. It determines whether Vdet is smaller than the predetermined threshold value, not equal to the threshold value (page 10, lines 14-24). Furthermore the specification does not specifically disclose that the power mentioned is the power of the apparatus.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-4,6-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (JP 08-293159) in view of Yang (U.S. 6,748,085).

**Claims 1 and 6** share common features.

Regarding **claims 1 and 6**, Matsumoto discloses a sound recording apparatus (Figure 1) comprising:

A microphone input terminal having right and left signal channel terminals and a ground terminal right and left audio signals input from the microphone input terminal (a microphone input terminal having right and left signal channel terminals and a ground terminal, Figure 1, page 2 of Figures; Figure 4a);

A recording section which records, in a recording medium, right and left audio signals input from the microphone input terminal (sound recording section 14, paragraph 0033 under Detailed Description);

a microphone power supply section which supplies power to a microphone connected to the microphone input terminal via the right and left signal channel terminals and the ground terminal (paragraph 0014 under Detailed Description);

a detection section which detects whether or not a voltage of one of the right and left signal channel terminals is less than or greater than a ground voltage, and provides a detection result (control means 18, See Constitution on abstract page ; paragraphs 0029, 0030 under Detailed Description) ;

and a control section which control a recording operation of the recording section in accordance with the detection result (See Constitution on abstract page, control means 18, Figure 1, page 2 of figures; paragraph 0026 under Detailed Description).

Additionally, regarding **claim 6**, Matsumoto further discloses microphone amplifiers, which amplify right and left audio signals input from the microphone terminal (Figure 3, 4L and 4R) and an A/D converter which converts analog signal into digital signals (6L, 6R, Figure 1, page 2 of figures)

Matsumoto fails to disclose but Yang teaches of detecting whether or not a voltage is equal to a ground voltage (Yang teaches of detecting whether a mono device or stereo device by detecting whether or not a voltage is equal to a reference voltage (column 4, lines 47-48, and 65-lines 67). It would have been

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obvious to modify Matsumoto so that the detection sections detects whether or not a voltage is equal to a ground voltage as taught by Yang in order to identify whether a stereo or mono device is connected (column 4, lines 65-67).

Regarding **claim 2**, Matsumoto as modified by Yang discloses wherein the detection section comprises a comparator which compares the voltage of the right signal channel terminal with a predetermined threshold value, and an output voltage of the comparator is provided as the detection result (See above apropos rejection of claim 1; Matsumoto, Constitution on abstracts page; paragraphs 0029,0030 under Detailed Description).

Regarding **claim 3**, Matsumoto as modified by Yang discloses wherein when the detection result indicates that the voltage of the right signal channel terminal is substantially equal to that of the ground terminal, the control section controls the recording section so that only the left audio signal input from the left signal channel terminal is recorded (sound recording section 14, paragraph 0029-0030 under Detailed Description).

Regarding **claim 4**, Matsumoto as modified by Yang discloses wherein the recording section has right and left sound recording channels, and when the detection result indicates that the voltage of the right signal channel terminal is substantially equal to that of the ground terminal, the control section controls the recording section so that the left audio signal input form the left signal channel terminal is recorded into the left sound recording channel and into the right sound recording channel. are

comprehended by claim 1 (See Abstract and Constitution; paragraphs 0028-0034 under Detailed Description).

Regarding **claim 7**, Matsumoto as modified by Yang discloses wherein the detection section detects whether or not the voltage of one of the terminals is equal to the ground voltage every time a microphone plug is plugged into the microphone input terminal (See above apropos rejection of claim 7)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

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